UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,195	11/18/2003	Dwayne Need	MS 305613.01/60001.317US0	6241

7590	02/01/2007	EXAMINER
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	ART UNIT	PAPER NUMBER
Minneapolis, MN 55402-0903	2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/717,195	NEED ET AL.
	Examiner	Art Unit	
	Phenuel S. Salomon	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *4/2004 & 12/2005*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the original filing of November 18, 2003. Claims 1-16 are pending and have been considered below.

Objections

2.   Claim 16 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Office considers any claim, which refers to another claim as being a dependent claim. Claim 16 refers to Claim 11 and, thus, is considered to depend thereon. However, Claim 11 is a method claim, which consists of the steps of receiving a request, querying a binding table, and building a commanding interface. Claim 16 does not include any limitations, which add, delete or change any of these steps. Therefore, Claim 16 fails to further limit its parent claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

3.   The disclosure is objected to because of the following informalities: the examiner notes the use of acronym: "LCD" in the specification without including a description in plain text, as required. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5.   Claims 7-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim defines a data structure as comprising only a binding table and does not support data manipulation functions. Therefore, the data structure is a mere arrangement of data and is non-functional descriptive material and non-statutory.

6.   Claims 7-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 7-10 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 5, lines 26 - 29, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., CD-ROM discs, ROM cards, floppy discs, magnetic tapes, computer hard drives) and intangible embodiments (e.g., signals transmitted over a network representing computer readable program code). As such, the claims are not limited to statutory subject matter and therefore are non-statutory.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(b) that form the basis for the rejections under this section made in this Office action:

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Donnelly (US 5,892,512).

Claims 1, 11, and 16: Donnelly discloses a commanding system and method for a computer, comprising:

a memory storing a binding table that connects input to associated action, at least one binding entry in the binding table including an interface binding (see fig. 1); and

a processor in data communication with the memory, the processor programmed to:

query each binding entry in the binding (lookup) table (col. 13, lines 3-19);

receive the interface binding associated with the binding; and (col. 13, lines 3-19);

generate a command interface based on the interface binding (col. 13, lines 3-19).

Claims 2 and 12: Donnelly discloses a system and method as in claims 1 and 11 above, wherein the interface binding identifies an image (visual views) to be used on a toolbar (col. 7, lines 29-39).

Claim 3: Donnelly discloses a system as in claim 2 above, wherein the processor is further programmed to build a toolbar based on the interface binding (col. 6, lines 13-23).

Claims 4 and 13: Donnelly discloses a system and method as in claims 1 and 11 above, wherein the interface binding identified a menu position on a menu (col. 8, lines 20-33).

Claim 5: Donnelly discloses a system as in claim 4 above, wherein the processor is further programmed to build a menu based on the interface binding (col. 8, lines 20-33).

Claims 6 and 14: Donnelly discloses a system and method as in claims 4 and 11 above, wherein the memory includes a plurality of commanding elements with associated binding tables, and wherein the processor is programmed to traverse each binding entry in each of the binding tables of the commanding elements to generate the command interface (col. 5, lines 34-43, 59-67 and col. 6, lines 3-12).

Claim 7. <u>Donnelly</u> discloses a computer readable medium having data structure stored thereon for use in commanding within a computing environment, the data structure comprising a first binding table including a plurality of first bindings, at least one of the plurality of first bindings including a command binding (identifier), a command (action object), a handler, and an interface binding (col. 3, lines 59-67 ad col. 4, lines 1-11).

Claim 8. <u>Donnelly</u> discloses a computer readable medium as defined in claim 7 above, wherein the interface binding includes identification of a graphical image (col. 7, lines 29-39).

Claim 9. <u>Donnelly</u> discloses a computer readable medium as defined in claim 7 above, wherein the interface binding includes identification of a menu position (col. 8, lines 20-33).

Claim 10. <u>Donnelly</u> discloses a computer readable medium as defined in claim 7 above, wherein the data structure further comprises a second binding table including a plurality of second bindings, each binding of the plurality of second bindings including a command binding, a command, a handler, and an interface binding (col. 3, lines 59-67 ad col. 4, lines 1-11).

Claim 15. <u>Donnelly</u> discloses a method as in claim 14 above, further comprising bubbling up through all tables of bindings associated with a given node to build the command interface (col. 13, lines 3-8) [examiner note: Traversing all the tables in order to build the command is inherent].

Conclusion

9.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. <u>Weightman</u> (US 2003/0145126 A1) discloses program control through a command application method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M.(Alternate Friday Off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
1/25/2007

James W. Myrhe
Supervisory Primary Examiner